



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Handwritten signature/initials

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/146,259	09/03/98	YOSHIDA	T 028433-007

021839 TM11/1024
BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

EXAMINER

TREAT, W

ART UNIT	PAPER NUMBER
2183	

2183

DATE MAILED: 10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/146,259

Applicant(s)

Yoshida et al.

Examiner

W. TREAT

Group Art Unit

2483

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/3/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 9/3/98 is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 4, 5, 6, 7
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 2783

1. Claims 1-20 are presented for examination.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elements of claim 1 related to the control signals output from the decoder for the various periods, the predetermined condition's effect on execution, the various timing relationships claimed, and what constitutes an instruction as opposed to an operation (i.e. is applicant claiming VLIW instructions and sub-instructions or what?) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. A flowchart might allow applicants to appropriately represent all the elements of claim 1.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Holmann et al. (JP410049370A).
6. JP10049370A is the printed Japanese application which is the priority document for Holmann et al. (5,815,698) which is also being supplied to applicant.

Art Unit: 2783

7. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by clearly anticipated by Holmann et al. (Patent No. 5,815,698).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

8. The examiner would suggest applicants review col. 14, line 46 through col. 17, line 21, at a minimum, before responding.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Mohri et al. (5,941,984).

11. Mary et al. (4,792,892).

12. Yasoshima et al. (6,055,626).

13. Arizono (4,910,664).

14. Kawamoto (5,507,027).

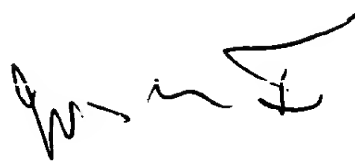
15. Henry et al. (5,752,015).

16. Morrison et al. (5,765,037).

17. Chung et al. (5,404,469).

Art Unit: 2783

18. Grochowski et al. (6,035,389).
19. Yoshida et al. (5,761,470).
20. Any inquiry concerning this communication should be directed to William M. Treat at telephone number (703) 305-9699.

A handwritten signature in black ink, appearing to read 'W. M. Treat', with a stylized flourish at the end.

**WILLIAM M. TREAT
PRIMARY EXAMINER**